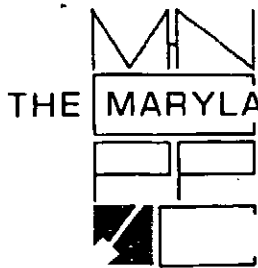


Cover Sheet for:

**Site Plan 8-98001G
& 8-02014B**

Planning Board Opinion



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: **MAR 21 2005**

Action: Approved Staff Recommendation.
Motion of Commissioner Wellington,
seconded by Commissioner Perdue, with a
vote of 4-0.
Chairman Berlage and Commissioners
Perdue, Wellington and Robinson voting in
favor.

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Site Plan No.: 8-02014B and 8-98001G
Project: Clarksburg Town Center
Date of Hearing: February 10, 2005

The date of this written opinion is **MAR 21 2005** (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, thirty days from the date of this written opinion. This site plan shall remain valid as provided in Section 59-D-3.8.

INTRODUCTION

On February 10, 2005, Site Plan Review #8-02014B and #8-98001G was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

THE SUBJECT PROPERTY

The proposed lots are within Clarksburg Town Center, a subdivision with a potential of 1,300 units as approved in Preliminary Plan # 1-95042. CTC is located east of MD Route 355 and south of Clarksburg Road, and east of the Clarksburg Road intersection with I-270. Clarksburg Road, Snowden Mill Parkway (A-305), Stringtown Road and the historic district that encompasses MD Route 355, just beyond the site to the east, define the boundaries of the site.

The headwaters of the Little Seneca Stream Valley create the basis of the open spaces preserved internally. The M-NCPPC Greenway Trail will bisect the project and will connect to Little Bennett Park to the north and to Clarksburg Village and M-NCPPC Ovid Hazen Wells Park further to the southeast.

PROJECT DESCRIPTION:

The proposed units are within the neo-traditional grid of Clarksburg Town Center and sites are either defined by the adjacent buildings, streets and rough graded lots or are not yet developed and are still in mass graded condition. The subject properties front the following streets: Catawba Hill Drive, Clarksburg Square Road, Clarksburg Square Road, and Clarksburg Road.

BACKGROUND

PROPOSED DEVELOPMENT

The proposal will enlarge the footprint and unit count of five multifamily buildings within Phase One and Two of Clarksburg Town Center subdivision. The units were originally approved as 9-unit, three story buildings in a "T" footprint. The amendment is to create two-11 unit buildings and three-12 unit buildings, all three stories in a square footprint of 5,260 s.f. The buildings are 40' 8" in height.

The building locations act as cornerstones to the blocks they edge, creating visible entrances or gateways to different parts of the neighborhood. The building locations are the same location they were placed in earlier approvals for Phase I and II site plans. At three stories, the buildings are at the same scale as the adjacent townhomes and single-family detached houses. Enclosed dumpsters with landscaping and wooden fences are provided adjacent to each manor home.

The units are designed to look like a single "manor home" and have one highly definable front door, one rear door, and a patio or balcony for several of the units.

Depending on their location, they have parking either within the lower floor or immediately adjacent in internal block parking and adjacent street parking.

Landscaping provided for each unit includes wrap around foundation planting, flowering or evergreen trees and shade trees on site and in the adjacent right-of-way. Lighting for each building includes wall mounted lights over the parking areas and adjacent to the doors. The lighting fixtures include cut-off features. Streetlights are provided in the public streets, as provided for in the earlier site plan approvals.

Parking is provided within garages, behind the units in small parking lots or on the public streets. The attached exhibits show the parking for each building. Additionally, the Applicant has prepared a study of available on-street parking spaces in the vicinity of each Manor Home. It indicates adequate availability of on-street parking.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

At the public hearing staff gave a presentation summarizing the proposed development, and recommended approval of the project, subject to conditions, as reflected in the staff report. Staff noted that the staff report needed to be corrected to reflect that Phase I of the project is short six moderately priced dwelling units ("MPDUs"), (not a 23-unit shortage, as indicated in the staff report). Staff, in response to Boardmember questioning, indicated that these MPDU units would be constructed in later phases of the project.

The applicant, represented by legal counsel, appeared and testified. The applicant did not raise any objections to the staff recommendation of approval or to staff's recommended conditions of approval, and concurred with the conditions as revised by the Planning Board, reflected below.

Three co-chairs of the Clarksburg Town Center Advisory Committee ("CTCAC") appeared to testify. They testified in support of the general land use plan for the Clarksburg Town Center, and their comments focused on that issue. They noted that the project supports the master plan objective of providing a wide choice of housing types, and neighborhoods for people of all ages, incomes and lifestyles. They (1) raised concerns about the building heights, stating that in their opinion the buildings should not exceed 45 feet in height; (2) expressed support for additional six parking spaces in the alleyway shown on the plan; and (3) expressed concern about the exterior building materials shown on the plans, seeking alterations to the original choice of exterior building materials, and in particular the ratio of brick to siding. The applicant testified, in response, that it would continue to work with the CTCAC as it finalized its building elevation design. The applicant also testified that the buildings would not exceed 45 feet in height. The applicant indicated that it intends to add six parking spaces in a site plan that will be presented to the Board in

a subsequent phase (Site Plan No. 8-98001G), and staff noted that the additional spaces should be reviewed at that time, rather than included in the instant approval.

In response to Boardmember inquiries, the applicant testified that the MPDUs that need to be provided are expected to be presented in a subsequent phase for Planning Board review in the spring of 2005, and staff noted that the conditions of approval for those phases are included in this approval and consequently those phases will be governed by this approval.

FINDINGS

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required.

The proposed development is consistent with the approved Project Plan in land use, density, location and building height and development guidelines.

2. The Site Plan meets all of the requirements of the zone in which it is located.

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the RMX-2 zone as demonstrated in the project Data Table contained in the staff report.

3. The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.

- a. Buildings

The building locations conform to earlier site plan approvals with the Manor Homes in their cornerstone locations within their blocks. At three stories, the Manor Homes are consistent with the adjacent townhouse and single-family development in scale and placement.

- b. Open Spaces

The plan maintains the proposed open space locations within the subdivision at large as proposed in earlier approvals for Phase I and II (Greenway Trail and local parks internal to the subdivision). The footprint

has expanded for each building (as noted in the Old and New Manor Home Comparison chart) and but with no significant impact on the

The storm water management concept for the amendment does not adversely impact the water quality features of this drainage area. The revision has a relatively similar impervious area as the original design of the associated water quality structure. No amendment to the Final Water Quality Plan has been required for this minor amendment.

c. Landscaping and Lighting

The landscape plan for the proposed manor homes provides attractive streetscape shade trees, foundation plantings, screen planting for parking areas and screen/buffer to adjacent homes. The addition of screening and landscaped areas enhances the screening of the parking areas from adjacent streets.

The lighting plan includes wall-mounted lighting with cut-off features for the garage mounted lighting and residential styled lighting for the entry to each front door. The streetlights conform to the street lights previously approved with the original Phase I and II site plan.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above. The proposed recreation facilities, include many local play areas, stream valley trail system, pedestrian paths and sidewalks, sitting areas and park dedication and other improvements.

e. Vehicular and Pedestrian Circulation

Access points to the site are to be provided consistent with the grid based neotraditional street pattern that was approved with earlier site plans. On-street parking for Building #3 has been expanded with parallel parking on both sides of the internal drive adjacent to Clarksburg Road. The garage of Building #11 has been reoriented to minimize views of the parking areas from the adjacent greenway trail area.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

Each unit is compatible with the adjacent units: the three story structures are similar to the adjacent two and three story buildings and they are residential in character.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Site Plan conforms to the earlier Forest Conservation Plans as previously approved.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan Review #8-02014B and 8-98001G for 58 multifamily dwelling units inclusive of 10 MPDUs on 270.16 gross acres in the RMX-2 zone with the following conditions:

STAFF RECOMMENDATION: Approval of 58 multifamily dwelling units inclusive of 10 MPDUs, with the following conditions:

1. Conformance to earlier conditions

All prior approvals, including the conditions of approval, unless expressly modified in through this amendment, shall remaining full force and effect. The Development Program and Site Plan Enforcement Agreements shall be revised to include this amendment.

2. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential/commercial development.
- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.

3. Forest Conservation

The applicant shall comply with the earlier conditions of approval from M-NCPPC-Environmental Planning in the memorandum.

4. Stormwater Management

The proposed development conforms to the earlier approvals for the Stormwater Management Concept approval and the Final Water Quality Approvals for Site Plans 8-98001G and 8-02014B.

5. Landscape Plan

The plans shall be amended to include the following:

- a. Additional landscaping to be added behind the rear of the free standing garage and the adjacent home for Building 12.
- b. Show all street trees and sidewalks for all sides of Building 11.
- c. Review shade tree selections for parking areas for adequacy of shade and mass.

6. Architectural Details

- a. The buildings shall not exceed 45 feet in height.
- b. The Applicant shall submit revised elevations showing architectural materials for Planning Board staff final review and approval, following consultation with the Clarksburg Town Center Advisory Committee.

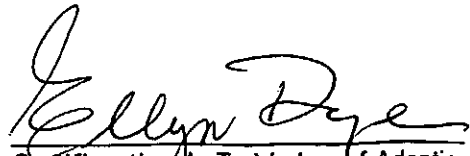
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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MR 3/4/05
Approved for legal sufficiency
M-NCEP Office of General

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, March 10, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Robinson, seconded by Commissioner Wellington, with Commissioners Perdue, Robinson, and Wellington voting in favor of the motion; Commissioner Bryant abstaining; and Commissioner Berlage absent, adopted the attached Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Clarksburg Town Center, Site Plan No. 8-02014B and No. 8-98001G.



Certification As To Vote of Adoption
Technical Writer